

**OPINION
47-102**

April 5, 1947 (OPINION)

EDUCATION

RE: County Superintendent Duties Re City Schools Having a Superintendent

Your letter of March 31, 1947, addressed to this office, has been received and contents of same have been duly considered.

You desire the opinion of this office upon the following proposition: As county superintendent of schools of Burleigh County you have under your superintendence schools employing a total of 95 teachers. The schools in which these teachers are employed are common school districts and therefore within your jurisdiction so far as general superintendence is concerned.

Section 15-2209 of the 1943 Revised Code provides that:

The county superintendent of schools shall have the general superintendence of the schools in the county except those in districts which employ a city superintendent of schools."

Section 15-2206 of the 1943 Revised Code provides, in substance, that in counties in which 50 or more teachers are under the supervision of the county superintendent of schools he may appoint an office deputy for whose acts he shall be responsible and whose salary shall be fixed by the board of county commissioners. Said section provides further that in counties in which one hundred or more teachers are under the supervision of the county superintendent, he shall be allowed one field deputy and an additional field deputy for each additional 150 teachers or major fraction thereof under his supervision. Said section also provides that field deputies shall assist the county superintendent in visiting schools and in the general supervision of the educational work of the county. The salaries of the field deputies shall be equal to 80 percent of the salary of the county superintendent.

Your question is whether or not you may include the teachers in the Bismarck schools as under your supervision thereby entitling you to a field deputy under said section 15-2206

The first question is, whether or not the county superintendent of schools has supervision over the teachers in a city school having a city superintendent.

The county superintendent is required to record in his office the certificates of all teachers, including those in city schools. He must also file notices of beginning of schools and must approve final reports of teachers, including those in city schools.

However, the county superintendent exercises no supervision over the teachers in the city schools. He is not required nor is it his duty to supervise work or to give them directions and instructions as to their methods of teaching. you will note that section 15-2209

employs the word "superintendence." Webster's International Dictionary defines "superintendence" as follows: "Act or function of superintending; care and oversight for the purpose of direction; supervision." And the word "superintend" is defined as follows: "To have or exercise the charge and oversight of; to oversee with the power of direction; to supervise." The dictionary also defines "supervise" as follows: "To oversee for direction; to superintend; inspect with authority; as, to supervise the printing of a book; also, to exercise supervision over; as, to supervise a department in a school or department."

It will be noted, therefore, that the county superintendent has no such supervision over the teachers in a city school as is implied in the definitions of "supervise" - and "superintendence."

You will note that under section 15-2206, from the portion thereof quoted herein, that the principal duties of field deputies are to assist the county superintendent in visiting schools and to have general supervision of the educational work of the county. Such duties and supervision to be exercised only with reference to the schools over which the county superintendent has the general supervision or superintendence.

It is, of course, true that the county superintendent performs other duties which include city schools, such as approval of retirement assessments for teachers, prorating moneys apportioned to the school districts, making teacher-unit reports, and per pupil assessment reports. These, however, are such general duties as are imposed upon the county superintendent of schools regardless of whether the schools involved are city schools or common school districts, but involves no supervision of teachers.

It is, therefore, the opinion of this office that the teachers employed in schools having a city superintendent may not be included for the purpose of determining the right of the county superintendent to appointment of field deputies.

NELS G. JOHNSON

Attorney General